

(9)

T H E  
C A S E  
O F

Dominick Donnelly, *Gentleman.*

*Humbly offer'd to the Consideration of the Honourable House of Commons.*

**B**Y an Act of the 12th of Queen Anne, entitl'd, *An Act for the speedy and effectual preserving the Navigation of the River of Thames, by stopping the Breach in the Levels of Havering and Dagenham, in the County of Essex, &c.* certain Trustees therein nam'd being appointed to receive Proposals for executing the several Purposes by the said Act intended, the said Dominick Donnelly took a Survey of the said Breach, Sand-Banks, and Levels; and having made several Observations and Experiments thereupon, and invented a Machine for stopping the said Breach effectually, did, on the 12th of August 1714, deliver in to the said Trustees a Proposal to accomplish the same for 15000*l.* without demanding any Part of the publick Money appropriated for that Use, before the Breach should be stopp'd to Low-Water Mark; but Mr. Boswell (a Prior Proposer) being preferr'd by the said Trustees, who contracted with him for 16300*l.* the then Lord-Mayor, by Order and in Name of the Trustees, gave the said Mr. Donnelly Thanks for the Pains and Expence he had been at, touching the Premises.

Mr. Boswell having fail'd in his Undertaking, and an Advertisement being publish'd in the *Gazette*, for receiving new Proposals, the said Donnelly deliver'd in his Proposal on the 29th of November, 1715, to stop the said Breach for 16300*l.* and to give Security for his Performance; which Proposal being read at their next Meeting, was enter'd at large in their Journal; at which Meeting the acting\* Trustees acquainted him (to his no small Surprise) that the Work must be perform'd at the Undertaker's own Charge; that they would Advance no Money until finish'd; and that they expected security for paying them 10000*l.* Forfeiture, upon the Work's failing, which was impossible for him to procure.

At a subsequent Meeting of the Trustees on the 16th of December, he propos'd to give Security for 3000*l.* Forfeiture, in Case he fail'd in his Attempt, and not to Demand any Money until he had stopp'd the Breach. And after a long Debate, they appointed a Committee to examine the several Schemes of the respective Proposers, and promis'd that each Proposer should have Notice of the Time to be appointed for examining of the said Schemes accordingly.

The said Donnelly having no Notice of the Meeting of the Trustees for examining the several Schemes (which was occasion'd by leaving the Letter intended for him at a wrong Place) his Scheme was therefore not then examin'd. However, at another Meeting on the 29th of January, he laid a Draught of his Scheme before the Trustees, explain'd the same, and answer'd several Objections made by Capt. Merry, Colonel Bennet, and others of the Trustees, and he nam'd Walter Bagnall, Esq; and Mr. Matthews, for Sureties to forfeit 3000*l.* if he did not perform the Work.

He was then order'd to attend the Thursday following with his Scheme, to be farther examin'd; the Trustees alledging, they were not proper Judges of Schemes, but that they would the next Thursday have the Assistance of proper Judges.

*Thursday,*

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\* Note, Several Gentlemen of Honour who are nam'd as Trustees in the said Act, have, for Reasons to themselves best known, declin'd to act, at least for many Months past.



Thursday, January the 26th, the said *Donnelly* attended with his Scheme, Draughts, and Models, accompany'd by Mr. *Desaguliers*, one of the Royal-Society, and several other Gentlemen skill'd in the Mathematicks, who approv'd of his Scheme, and waited from an Hour before the Court sat, until it was up; gave in his Name; requested of one of the Trustees to move to have him call'd in, and his Scheme examin'd; and frequently spoke to the Door-keeper to the same Effect; who several Times answer'd him he should be call'd in, in Course; but never yet could prevail on them either to examine his Scheme or Models, or to accept of his Proposals.

Colonel *Coote*, one of the Trustees, insisting that the said *Donnelly's* Scheme should be examin'd, Colonel *Joseph Bennet*, one of the Committee of Trustees, appointed to examine the Schemes, offer'd him 1000 *l.* if he would meet him at the House of Mr. *John Ward*, another of the said Trustees, and come into Measures with them and some others, who always appear'd very forward in Capt. *Perry's* Interest. But Colonel *Coote* readily apprehending the Design of that Offer, very generously despis'd and refus'd the same.

The said *Donnelly* finding all his Application to the Trustees ineffectual, desir'd they might (if he was not employ'd) provide against any Undertaker's making (a) Use of the Scheme which he presented; whereupon some of the Trustees declar'd, it was a very reasonable and just Request, and promis'd to take Care therein.

The acting Trustees, notwithstanding the said *Donnelly's* Proposal, to accept of 16300 *l.* have contracted with the said *Perry* for 25000 *l.* without any such Forfeiture on his Part, as they requir'd of Mr. *Donnelly*; and resolv'd that *Perry* may make Use of his own or any other Proposer's Scheme, notwithstanding their Promises and Declarations aforesaid.

The said *Donnelly*, upon the 30th of May last, (before any Contract was sign'd with Mr. *Perry*) deliver'd in a Letter to the Trustees, proposing to undertake the whole Work for (b) 16300 *l.* and to be subject to the same Articles and Conditions in all other Respects as the said *Perry* had propos'd for 25000 *l.* which Letter was open'd, but voted not to be read, a Copy whereof is hereunto subjoin'd.

Nay farther, in Regard the said *Donnelly* has frequently heard several Merchants, Owners, and Masters of Ships, both Natives and Forreigns, complain that many Ships have been and are daily lost at Sea, for Want of sufficient (c) Ballast; notwithstanding the great Rates they are oblig'd to pay for the same, the said *Donnelly* makes this farther (d) Proposal, that provided he may have a Parliamentary Sanction for disposing of the said Sand-Banks, as Ballast, even at more moderate Rates than are now pay'd by Natives and Foreigners respectively for the same, (and that at full Measure too) he will give security to Answer all the Ends and Purposes of the aforesaid Act, for the Duties already collected, and to be collected by Virtue thereof 'till Lady-Day next; and not to be paid any Part thereof before he stop the Breach above-mention'd to Low-Water-Mark, unless he give unquestionable Security for reimbursing the same with Interest, together with a moderate Forfeiture, in Case he fail in performing his Undertaking aforesaid; which he is not at all afraid of, because several eminent Mathematicians and Engineers, who have examin'd the same, have approv'd thereof by Attestations under their Hands, and prefer'd it to any other Scheme hitherto propos'd for the Purposes aforesaid.

In Respect of all which, the said *Donnelly* humbly presumes to offer this State of his Case to the Consideration of the honourable House of Commons, in Justification of the Part he acted hitherto, in Relation to the Premises; and as a Testimony of his Zeal, to have serv'd the Publick on this Occasion. Hoping withal that the Report of the Committee to whom this Petition was refer'd, may be farther consider'd.

A COPY

(a) Note, The Inventers of new Machines for publick Use, have commonly exclusive Patents, for the sole Benefit thereof, for a certain Term of Years.

(b) Note, By this Proposal of Mr. *Donnelly* 8700 *l.* would be sav'd to the Publick.

(c) Note, By Reason of a fraudulent Contrivance in the building, fitting, and measuring of some of the Ballast-Boats, several Ships do not receive on Board above half the Ballast which they demand and pay for; and therefore such Masters as are more cautious than others, demand and pay for double the Quantity that would have serv'd them, if they got full Measure.

(d) Note, By this Proposal, the Tax and Duties abovemention'd, and laid on for ten Years, from the 10th of July 1714, may cease in little more than two Years Time; or may be appropriated to some other publick Use: And moreover, 15000 *l.* will be sav'd thereby, of the Sum which the acting Trustees are willing to pay to Capt. *Perry*; all Masters of Ships shall have their full Measure of Ballast, at moderate Rates; and the River of *Thames* be made incomparably more navigable than is propos'd by the said *Perry*, or indeed requir'd of him.

Q U E R. Whether Capt. *Perry* did not propose to the Trustees to perform all the Work for 21000 *l.* and whether some of the acting Trustees did not insist after upon allowing him 30000 *l.* which, after some Debate, was reduc'd to, and fix'd at 25000 *l.* as per Contract.



# A COPY of Mr. Donnelly's Letter to my Lord Mayor, &c.

My LORD,

I Humbly presume to lay before your Lordship this Representation, touching the Proposal by me heretofore deliver'd in to the Trustees for stopping the Breach in the Levels of Havering and Dagenham, which I hope your Lordship will be pleas'd to communicate to the said Court of Trustees.

Upon Notice in the Gazette, by Order of the Trustees, for receiving new Proposals, I was at a very great Expence of Money and Time, to take the Soundings, and make several other necessary Experiments and Observations, for finding the Nature of the Earth in the Bottom of the Breach, and the Push of the Water.

Having afterwards made a Proposal for stopping the Breach for 16300 l. and having drawn out a proper Scheme, and made a Model of the Machine intended to be made Use of in stopping the said Breach, I humbly laid a draught of my Scheme before the Court, to be examin'd and consider'd; and hop'd from their Justice, that an Opportunity would have been given me to have Justifi'd my Scheme, and prov'd the same suitable to the End propos'd.

My Lord, I being very desirous to second my Proposal deliver'd in, and to give sufficient Security for what Money shall be advanc'd upon the same Terms, and under the same Conditions and Restrictions as Capt. John Perry, who demands 25000 l. The Difference between 16300 l. and 25000 l. (which will save so considerable a Sum to the Publick) will, I hope, induce your Lordship and the rest of the honourable Trustees, to favour me with your Approbation, at least so far as to have my Scheme examin'd.

I farther humbly beg Leave to represent, that I have, in order to recommend my self to the good Opinion of your Lordship and the rest of the Trustees, procur'd Dr. John Harris, Mr. J. T. Desaguliers, Mr. Jos. Hort, Mr. George Ball, Mr. James Leoni, Capt. John Mackarel, Capt. William Wind, Capt. Francis Povey, and others, who are Gentlemen, eminent in the Mathematicks, and in Mechanical Experiments, to examine this Scheme, before I would presume to give you this Trouble; and they have severally subscrib'd their Approbation thereof, with their Reasons at large; which I am ready to produce as your Lordship shall command.

If refus'd the Honour of being admitted to make good this Representation, I am fully perswaded, from the Justice of your Lordship and the rest of the Trustees, that no Person contracting with you shall be allow'd to make use of my Scheme laid before you; and my having had such Assurances from the Trustees, when I first produc'd the same, makes me presume humbly to insist upon this Favour, and subscribe,

May the 30th, 1716.

My Lord,

Your Lordship's most obedient,

To the honourable the Lord Mayor, and the rest of the Trustees for stopping the Breach at Dagenham, &c.

and most humble Servant,

Dominick Donnelly.



THE

CASE

OF

*Dominick Donnelly, touching his  
Proposal for stopping the Breach  
of Dagenham, &c. 12th of June,  
1716.*

